

**ASSEMBLY BILL**

**No. 2031**

---

**Introduced by Assembly Member Hancock**  
**(Coauthors: Assembly Members Beall, Coto, DeSaulnier, Huffman,**  
**Leno, Lieber, Mullin, Ruskin, Swanson, Torrico, and Wolk)**

February 15, 2008

---

An act to amend Sections 8670.8 and 8670.25.5 of, and to add Section 8670.8.3 to, the Government Code, relating to oil spills.

LEGISLATIVE COUNSEL'S DIGEST

AB 2031, as introduced, Hancock. Oil spill prevention and response.

(1) The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act generally requires the administrator for oil spill response, acting at the direction of the Governor, to implement activities relating to oil spill response, including emergency drills and preparedness, and oil spill containment and cleanup, and to represent the state in any coordinated response efforts with the federal government.

The act requires the administrator to carry out programs to provide training for individuals in response, containment, and cleanup operations and equipment, equipment deployment, and the planning and management of these programs.

This bill would require the administrator, upon request, to provide a program for training and certification of a local emergency responder designated as a local spill response manager by a local government with jurisdiction over or directly adjacent to marine waters. The bill would require the administrator as part of the training and certification program, to authorize a local spill response manager to train and certify volunteers to work under his or her direction.

This bill would also require the administrator to offer grants to a local government with jurisdiction over or directly adjacent to marine waters to provide oil spill response and cleanup equipment to be deployed by a local spill response manager.

(2) Existing law requires, without regard to intent or negligence, a party responsible for the discharge or threatened discharge of oil in marine waters to report the discharge immediately to the Office of Emergency Services which then is required to notify the administrator, the State Lands Commission, the California Coastal Commission, and the California regional water quality control board having jurisdiction over the location of the discharged oil. Existing law requires each public agency receiving notice to adopt an internal protocol over communications regarding the discharge of oil and file the internal protocol with the Office of Emergency Services.

This bill would also require the Office of Emergency Services to notify the appropriate local government agencies in the area surrounding the discharged oil. By requiring these local entities to adopt and file an internal protocol over communications regarding the discharge of oil, the bill would create a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 8670.8 of the Government Code is
- 2 amended to read:
- 3 8670.8. (a) The administrator shall carry out programs to
- 4 provide training for individuals in response, containment, and
- 5 cleanup operations and equipment, equipment deployment, and
- 6 the planning and management of these programs. These programs
- 7 may include training for members of the California Conservation
- 8 Corps, other response personnel employed by the state, personnel
- 9 employed by other public entities, personnel from marine facilities,

1 commercial fishermen and other mariners, and interested members  
2 of the public. Training may be offered for volunteers.

3 (b) The administrator may offer training to anyone who is  
4 required to take part in response and cleanup efforts under the  
5 California oil spill contingency plan or under local ~~governmental~~  
6 *government* contingency plans prepared and approved under this  
7 chapter.

8 (c) *Upon request, the administrator shall provide a program*  
9 *for training and certification of a local emergency responder*  
10 *designated as a local spill response manager by a local government*  
11 *with jurisdiction over or directly adjacent to marine waters. As*  
12 *part of the training and certification program, the administrator*  
13 *shall authorize a local spill response manager to train and certify*  
14 *volunteers to work under his or her direction.*

15 ~~(e)~~

16 (d) Funding for activities undertaken pursuant to subdivisions  
17 (a) ~~and (b)~~ to (c), inclusive, shall be from the Oil Spill Prevention  
18 and Administration Fund created pursuant to Section 8670.38.

19 ~~(d)~~

20 (e) All training provided by the administrator shall follow the  
21 requirements of applicable federal and state occupational safety  
22 and health standards adopted by the Occupational Safety and  
23 Health Administration of the Department of Labor and the  
24 California Occupational, Safety, and Health Standards Board.

25 SEC. 2. Section 8670.8.3 is added to the Public Resources  
26 Code, to read:

27 8670.8.3. The administrator shall offer grants to a local  
28 government with jurisdiction over or directly adjacent to marine  
29 waters to provide oil spill response and cleanup equipment to be  
30 deployed by a local spill response manager certified pursuant to  
31 Section 8670.8. The administrator shall request the Legislature to  
32 appropriate funds from the Oil Spill Prevention and Administration  
33 Fund created pursuant to Section 8670.38 for the purposes of this  
34 section.

35 SEC. 3. Section 8670.25.5 of the Government Code is amended  
36 to read:

37 8670.25.5. (a) Without regard to intent or negligence, any  
38 party responsible for the discharge or threatened discharge of oil  
39 in marine waters shall report the discharge immediately to the

1 Office of Emergency Services pursuant to Section 25507 of the  
2 Health and Safety Code.

3 (b) Immediately upon receiving notification pursuant to  
4 subdivision (a), the Office of Emergency Services shall notify the  
5 administrator, the State Lands Commission, the California Coastal  
6 Commission, the California regional water quality control board  
7 having jurisdiction over the location of the discharged oil, *and the*  
8 *appropriate local government agencies in the area surrounding*  
9 *the discharged oil*, and take the actions required by subdivision  
10 (d) of Section 8589.7. If the spill has occurred within the  
11 jurisdiction of the San Francisco Bay Conservation and  
12 Development Commission, the Office of Emergency Services shall  
13 notify that commission. Each public agency specified in this  
14 subdivision shall adopt an internal protocol over communications  
15 regarding the discharge of oil and file the internal protocol with  
16 the Office of Emergency Services.

17 (c) The 24-hour emergency telephone number of the Office of  
18 Emergency Services shall be posted at every terminal, at the area  
19 of control of every marine facility, and on the bridge of every tank  
20 ship in marine waters.

21 (d) This section does not apply to discharges, or potential  
22 discharges, of less than one barrel (42 gallons) of oil unless a more  
23 restrictive reporting standard is adopted in the California oil spill  
24 contingency plan prepared pursuant to Section 8574.1.

25 (e) Except as otherwise provided in this section and Section  
26 8589.7, a notification made pursuant to this section shall satisfy  
27 any immediate notification requirement contained in any permit  
28 issued by a permitting agency.

29 SEC. 4. If the Commission on State Mandates determines that  
30 this act contains costs mandated by the state, reimbursement to  
31 local agencies and school districts for those costs shall be made  
32 pursuant to Part 7 (commencing with Section 17500) of Division  
33 4 of Title 2 of the Government Code.